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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,166	02/07/2001	Joseph John Melotik	200-0729	1742

10534 7590 05/06/2002

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EXAMINER

GUTMAN, HILARY L

ART UNIT PAPER NUMBER

3612

DATE MAILED: 05/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,166

Applicant(s)

Melotik et al.

Examiner

Hilary Gutman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 18, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14, 16-18, 20, and 21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14, 16-18, 20, and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 7, 2001 is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Mar 18, 2002 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 3/18/2002 have been acknowledged and approved by the examiner. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the latch engaging the striker "to latch said load floor in a closer position within the cargo area" of all of the independent claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The drawings are objected to because it is unclear how the latch engages the striker when the drawer is in the closed position. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Specification

✓ 5. The disclosure is objected to because of the following informalities: paragraph [0027] states that the latch 70 is attached to a forward longitudinal end 72 of the bottom of the drawer. This is unclear however since this paragraph later states that the latch mechanism releases the striker 64 to move the drawer from a closed position to an open position. It is unclear how the latch can be located and latched at a forward longitudinal end of the drawer when the drawer is in the closed position since the striker is located attached to a rear bumper of the vehicle. It is believed by the examiner that when the drawer is in the closed position, the forward longitudinal end extends beyond the bumper and into the vehicle (and is closest to the front of the vehicle). It is therefore unclear how this can be latched to the rear bumper of the vehicle. It is apparent that the rearward longitudinal end of the drawer is substantially over the rear bumper when the drawer is in the closed position (Figure 1) and therefore it is believed that the latch should perhaps be disposed on the rearward longitudinal end of the drawer instead.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-5, 7-12, 4, 16-18, and 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ In claims 1, 8, 14, 20, and 21, the new limitation that a ^{or} latch is connected to a forward longitudinal end of the load floor" is unclear since as stated in the specification, paragraph [0027], the latch mechanism releases the striker 64 to move the drawer from a closed position to an open position. It is unclear how the latch can be located and latched at a forward longitudinal end of the drawer when the drawer is in the closed position since the striker is located attached to a rear bumper of the vehicle. It is believed by the examiner that when the drawer is in the closed position, the forward longitudinal end extends beyond the bumper and into the vehicle (and is closest to the front of the vehicle). It is therefore unclear how this can be latched to the rear bumper of the vehicle. It is apparent that the rearward longitudinal end of the drawer is substantially over the rear bumper when the drawer is in the closed position (Figure 1) and therefore it is believed that the latch should perhaps be disposed on the rearward longitudinal end of the drawer instead.

✓ Also in independent claims 1, 8, 14, 20, and 21, the newly recited "vehicle structure" is unclear as to what feature of the invention is being described.

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Response to Arguments

8. Applicant's arguments with respect to claims 1-5, 7-12, 14, 16-18, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

9. Claims 1-5, 7-12, 14, 16-18, and 20-21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

10. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

11. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents
Washington, D.C. 20231

or faxed to:

(703) 305-3597, (for formal communications intended for entry)

or:

(703) 308-3297, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

hlg

May 2, 2002



STEPHEN T. GORDON
PRIMARY EXAMINER